

SERVICE FEE NOT COLLECTED
BY DISTRICT CLERK

CAME TO HAND: 2/12/16
DELIVERED: 2/12/16
by: (Signature)

THE STATE OF TEXAS

CITATION

TO: UNITED STATES POSTAL SERVICE
REGISTERED AGENT PATRICK R DONAHOE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-0010

☒ INTERROGATORIES
☐ REQUEST FOR ADMISSIONS
☒ REQUEST FOR PRODUCTION
☐ OTHER _____

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** filed on **January 15, 2016**, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 301 Jackson, Richmond, Texas 77469, or by bringing it to the office. Our street address is 1422 Eugene Heimann Circle, Richmond, Texas 77469. We are located on the first floor of the Courthouse building.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas, and was filed on **January 15, 2016**. It bears cause number **16-DCV-229278** and is styled:

HASSAN DAWUDI VS. UNITED STATES POSTAL SERVICE AND WILLIAM ABRAHAM BABAJIDE

The name and address of the attorney for **PLAINTIFF** is:

CYNTHIA HUERTA
SCHECHTER MCELWEE SHAFFER & HARRIS LLP
3200 TRAVIS 3RD FLOOR
HOUSTON TX 77006
713-524-3500

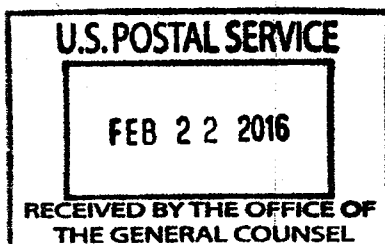
The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 27th day of January, 2016.

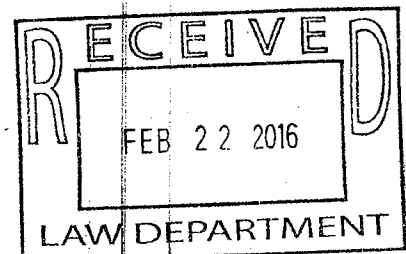
DISTRICT CLERK ANNIE REBECCA ELLIOTT
Fort Bend County, Texas

By:

(Signature)
Deputy District Clerk VANESSA VASQUEZ
Telephone: (281) 341-3754



SERVICE



16-DCV-229278

268th Judicial District Court

Hassan Dawudi vs. United States Postal Service and William Abraham Babajide

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the _____ day of _____, 20__, at _____ o'clock ____ M.

Executed at _____, within the County of _____

_____, at _____ o'clock ____ M* on the _____ day of _____, 20__, by delivering to the within named _____

_____, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving _____ citation at \$80.00 each \$ _____

Name of Officer or Authorized Person_____
County, TexasBy: _____
Signature of Deputy or Authorized Person

*State day and hour and place of serving each person.

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____
(First, Middle, Last)

my date of birth is _____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the
day of _____

Declarant / Authorized Process Server_____
(Id # & expiration of certification)

SERVICE

COPY

Filed
1/15/2016 5:19:29 PM
Annie Rebecca Elliott
District Clerk
Fort Bend County, Texas
Michelle Jensen

CAUSE NO. **16-DCV-229278**

HASSAN DAWUDI

VS.

UNITED STATES POSTAL SERVICE,
and
WILLIAM ABRAHAM BABAJIDE

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§

IN THE DISTRICT COURT OF
FORT BEND COUNTY, TEXAS

Fort Bend County - 268th Judicial District Cou

__TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, HASSAN DAWUDI, hereinafter referred to as Plaintiff, complaining of
UNITED STATES POSTAL SERVICE, and WILLIAM ABRAHAM BABAJIDE and for cause
of action would respectfully show the Court as follows:

I. DISCOVERY CONTROL PLAN

Plaintiff requests discovery be conducted under Level 3 as set forth in Texas Rule of Civil
Procedure 190.4.

II. VENUE

Plaintiff is an individual residing in Fulshear, Fort Bend County, Texas (TX DL:
#####198, SSN: ###-##-#815).

Defendant UNITED STATES POSTAL SERVICE is an entity doing business in Texas.
This Defendant may be served with due process herein by serving the U.S. Postmaster General,
Patrick R. Donahoe, located at 475 L'Enfant Plaza, S.W., Washington D.C., 20260-0010. Please
issue a citation for this defendant at this time.

Defendant, WILLIAM ABRAHAM BABAJIDE, is an individual residing in Houston,
Texas. This Defendant may be served with due process herein at his place of residence at 2127
Timur Way, Houston TX 77047. Please issue a citation for this defendant at this time.

Venue is proper in Fort Bend County because the incident occurred in Fort Bend County,

Texas.

III. FACTS

On or about June 19, 2014, HASSAN DAWUDI was travelling eastbound in the 8800 block of Fry Road, in Fort Bend, Texas, on his bicycle, when a vehicle owned and operated by UNITED STATES POSTAL SERVICE and driven by WILLIAM ABRAHAM BABAJIDE collided with Plaintiff's bicycle. The wreck occurred because Defendant, WILLIAM ABRAHAM BABAJIDE, failed to yield right of way at a stop sign. As a result, Plaintiff sustained injuries.

IV. CAUSES OF ACTION

Defendant UNITED STATES POSTAL SERVICE is liable for the actions of its employee, WILLIAM ABRAHAM BABAJIDE, who was acting in the course and scope of his employment in furtherance of the business interests of UNITED STATES POSTAL SERVICE. On the occasion in question, WILLIAM ABRAHAM BABAJIDE, operated his vehicle in a negligent manner, in that he violated the duty which he owed the Plaintiff to exercise ordinary care in the operation of the motor vehicle in one or more of the following particulars:

1. Driving without paying enough attention;
2. Failure to stop at a red light;
3. Failing to control his speed;
4. Failing to steer the vehicle to avoid collision with Plaintiff;
5. Failing to timely apply the brakes to avoid collision with Plaintiff; and
6. In any combination of two or more of the above.

Additionally, and without waiving the foregoing, Defendant UNITED STATES POSTAL SERVICE was negligent in hiring WILLIAM ABRAHAM BABAJIDE, and it was negligent in

entrusting its vehicle to Defendant, WILLIAM ABRAHAM BABAJIDE, when they knew, or should have known, he was a reckless and/or irresponsible driver.

Each of these acts and omissions, singularly or in combination with others, constitute negligence and negligence per se, which proximately caused the occurrence made the basis of this action for the injuries and damages to the Plaintiff.

V. DAMAGES

As a direct and proximate result of the negligence of Defendants, Plaintiff sustained injuries, including, but not limited, to his knee, neck, and shoulder, as well as other parts of his body. Plaintiff, HASSAN DAWUDI files this suit to recover the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Lost earnings in the past and loss of future earning capacity;
- c. Physical impairment in the past and future;
- d. Physical disfigurement in the past and future;
- e. Reasonable medical expenses in the past and future; and
- f. Exemplary damages.

To the extent that Plaintiff had any pre-existing condition at the time of the occurrence in question, the same was not disabling, and he would respectfully show that such pre-existing condition, if any, was aggravated by the incident made the basis of this suit to such an extent that it became disabling, bringing about the necessity of medical treatment.

Plaintiff, HASSAN DAWUDI, would show that he has incurred medical expenses in the past and will continue to incur medical expenses in the future.

Plaintiff, HASSAN DAWUDI, seeks to recover damages within the jurisdictional limits of this Court.

Plaintiff also seeks damages for his injuries by way of pre-judgment and post-judgment interest payments for all damages he has suffered and that have accrued by the time of judgment.

In accordance with the Texas Rules of Civil Procedure, Plaintiff specifically seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

VI. NOTICE

Plaintiff hereby gives notice of intent to utilize items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the *Texas Rules of Civil Procedure* 193.7.

VII. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests disclosure, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a) – (l) of the Texas Rules of Civil Procedure.

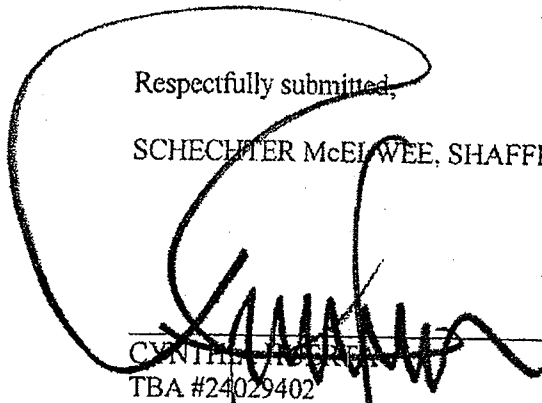
VIII. JURY DEMAND

Plaintiff demands a trial by jury and has tendered the appropriate fee.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the defendants be cited to appear and answer herein, that upon trial hereof he have judgment of the Court against the defendants jointly and severally, in excess of the jurisdictional amount in addition to all pre-judgment and post-judgment interest as provided by law, for all costs of court, and for all such other and further relief, both general and special, legal and equitable to which he may be justly entitled.

Respectfully submitted,

SCHECHTER McELWEE, SHAFFER & HARRIS, L.L.P.



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